

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICHARD R. CRAIN,
Petitioner,

v.

Case No. 13-CV-00296

JIM SCHWOCHERT,
Respondent.

ORDER

On March 15, 2013, pro se petitioner Richard Crain filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On December 31, 2013, I received a letter from Timothy Kaprelian, a friend of petitioner, stating that petitioner had passed away. Respondent has confirmed that petitioner did indeed pass away on December 28, 2013. Therefore, I will dismiss the petition as moot. A § 2254 petition filed while petitioner is in custody may be adjudicated after custody ends if “collateral consequences” of the conviction remain. *Carafas v. LaVallee*, 391 U.S. 234, 237–38 (1968). In this case, petitioner’s custody has been ended by his death, and death means that petitioner cannot suffer any future consequences of his conviction or sentence. *McClendon v. Trigg*, 79 F.3d 557, 558 (7th Cir. 1996); *see also McMann v. Ross*, 396 U.S. 118 (1969).

THEREFORE, IT IS ORDERED that the case is **DISMISSED AS MOOT**.

Dated at Milwaukee, Wisconsin, this 31st day of March, 2014.

s/ Lynn Adelman

LYNN ADELMAN
District Judge